

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: GITTO GLOBAL CORPORATION 05-10334-DPW

The government hereby responds to the Court's February 22, 2004 invitation to state a position regarding the issue of the public disclosure of a report of an Examiner, appointed by the Bankruptcy Court pursuant to motion by the United States Trustee. In so doing, the government neither confirms nor denies the existence of an ongoing criminal investigation of any matters relating to Gitto Global Corporation, and notes for the record that to date no portion of the subject report has been disclosed to this office.

Upon review of the procedural background as set forth in various pleadings before this Court, the government believes that the factors present here (such as the appointment order, lack of protective or compulsion orders during the pendency of the Examiner's investigation) all support Judge Rosenthal's conclusion that motions to seal be denied.

Should this Court determine otherwise, the government requests that any protective or sealing order that issues allows for the Bankruptcy Court, this Court, the Examiner, and/or the United States Trustee to make all appropriate referrals to this office, including the subject report without redaction and any

underlying investigative materials, subject to whatever further protective order this Court determines is appropriate.

Dated: March 9, 2005

By its attorney,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Lori J. Holik  
Lori J. Holik  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2005, I caused a copy of the above to be served on counsel of record by causing same to be electronically filed with the Court.

/s/ Lori J. Holik  
Lori J. Holik  
Assistant U.S. Attorney